

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DHI HOLDINGS, LP,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
DEUTSCHE BANK NATIONAL TRUST	§	CASE NO. 4:24-cv-01270
COMPANY, AS TRUSTEE FOR MORGAN	§	
STANLEY ABS CAPITAL I INC. TRUST 2006-	§	
HE3, MORTGAGE PASS-THROUGH	§	
CERTIFICATES, SERIES 2006-HE3;	§	
SPECIALIZED LOAN SERVICING LLC	§	
	§	
Defendants.	§	

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT
WITHOUT PREJUDICE**

Pursuant to the Memorandum Opinion and Order entered by this Court on July 30, 2024 (ECF No. 21), and the provisions of Texas Business Organizations Code § 153.309, the Defendants hereby move the Court to dismiss the above-captioned case without prejudice.

On July 30, 2024, this Court entered an order staying the proceedings for 90 days, directing the Plaintiff, DHI Holdings, LP, to cure its defect by reinstating its right to transact business in Texas. (ECF No. 21) A true and correct copy of this order is attached hereto as **Exhibit A**. The Court explicitly conditioned the continuation of this case on Plaintiff's compliance with this requirement within the stipulated timeframe of 90 days.

As of the date of this motion, which is beyond 90 days from the entry of the order, Plaintiff has failed to demonstrate that it has cured the defect of capacity to sue, as required by the Court's order and under Texas Business Organizations Code § 153.309. A true and correct copy of the Texas Secretary of State entity report is attached hereto as **Exhibit B**.

Therefore, under the terms of the Court's order, this action is subject to dismissal. Defendants respectfully request that this Court dismiss the present action without prejudice due to Plaintiff's failure to cure the defect in capacity as ordered by this Court.

Dated: October 30, 2024

Respectfully submitted,

/s/ Jared D. Vann
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record via ECF and electronic mail on this the 30th day of October, 2024.

/s/ Jared D. Vann
Jared Vann